

CASE NO. 5:05CR131-54

ORDER ACCEPTING PLEA AGREEMENT
AND JUDGMENT AND NOTICE OF
HEARING

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of Joseph M. Alvelo which was referred to the Magistrate Judge with the consent of the parties.

On 16 March 2005, the government filed a one-count indictment against Joseph M. Alvelo for conspiracy to possess with the intent to distribute and distribution of controlled substances in violation of 21 U.S.C. § 846. On 12 May 2005, a hearing was held in which Joseph M. Alvelo entered a plea of not guilty before Magistrate Judge David S. Perelman. On 16 June 2006, Magistrate Baughman received Joseph M. Alvelo's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Joseph M. Alvelo is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Joseph M. Alvelo is adjudged guilty of Count One in violation of 21 U.S.C. § 846.

Sentencing will be:

5 September 2006 at 11:00 a.m.

**Courtroom 18-A
18th Floor the United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 10 July 2006